

SENATE BILL 2862
By McNally

AN ACT to amend Tennessee Code Annotated, Section 49-5-413, relative to the background investigation of applicant's for certain positions requiring proximity to school children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-413, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section, a "qualified Tennessee licensed private investigation company" means a company that is licensed by the Department of Commerce and Insurance, insured with at least three million dollars (\$3,000,000) worth of errors and omissions insurance and carries sufficient indemnification coverage.

(b) In addition to the requirements of § 49-5-406, a local board of education shall require any person applying for a position as a teacher and any person applying for any other position requiring proximity to school children to:

(1) Agree to the release of all investigative records to the board for examination for the purpose of verifying the accuracy of criminal violation information as required by § 49-5-406(a)(1)(A); and

(2) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation; and/or

(3) Sign an authorization and release form provided by the board, authorizing a qualified Tennessee licensed private investigation company by and on behalf of the board to complete a criminal history records check.

(c) A board may conditionally hire a teacher or other employee having proximity to school children as long as the fingerprint submission is made to the Tennessee bureau of investigation within five (5) business days of a conditional offer of employment or a criminal history records check has been ordered through a qualified Tennessee licensed private investigation company.

(d) A "criminal background investigation" search performed by a third party should include one or more of the following:

(1) Criminal record history verification;

(2) A social security number verification to determine the identity of the applicant, as well as the last known addresses;

(3) A search against the national want and warrant list for persons who are either wanted, missing or have an outstanding warrant at the local, state or federal level;

(4) Past employment verifications for the last five (5) years;

(5) A search in Tennessee for felony convictions (covering 95 counties) for the past seven (7) years;

(6) Verification of professional license; or

(7) Verification of highest degree of education obtained.

(e) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting such investigation of an applicant shall be paid by the applicant the first time such applicant applies for a position with a local board of education. The applicant shall

be provided a copy of all criminal history records check documentation provided to the local board of education to which the applicant first applies. In lieu of additional criminal history records checks for subsequent applications, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs. Any local board of education may reimburse the applicant for the costs of the investigation if the applicant accepts a position as a teacher or any other position requiring proximity to school children. Any local board of education may establish a policy authorizing payments for investigation of an applicant who provides school maintenance, clean-up, food service and other such functions other than administrative or teaching functions or duties. A local board of education may pay for an investigation of such applicant regardless of whether the applicant accepts an offer for employment with such board of education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.